

Not so with his labors in the halls of Congress. We should not blame our most eminent men for seeking positions in our Federal Congress rather than seats within these halls. They deserve credit for the laudable ambition possessed by them to labor for the restoration of the general government to its former purity and simplicity, but how barren has been the earnest, self-denying and patriotic labors of the really gigantic minds sent to Congress by the Southern people for the last fifteen years.

Unfortunately for the welfare and perpetuity of our free institutions, and the general good of our common country, the success and influence of our statesmen in Congress are not measured by or in proportion to their intellects and devotion to the true principles of our government, but rather by the geographical limits of the section of the country from which they hail.

Blind prejudice and party spirit has denied them even a tithe of the influence they merit, and to a great extent has disregarded the wants of our people, and has built up the business and commercial interests of northern ports and cities by the expenditure of large sums of money out of a common treasury, while scarcely a tithe of what is necessary has been expended for like improvements in Texas.

And thus our people are fast being educated in the belief, that our most intelligent, gifted and patriotic men, though thoroughly devoted to the Constitution and well-being of the country, are without influence at the Federal capital, simply, it is feared, because they represent a Southern constituency, and that the only benefits now to be derived from the general government is to be found in the meager and inadequate expenditures annually made by it within the limits of the State for public improvements. We trust, however, that this is but temporary, and that time will cure the evil; and while every lover of his country must deeply regret this evil, and that the administration of public affairs by the federal government forces such a conclusion upon the minds of our people, yet, we can rejoice that before us in the service of our beloved State, there is room for hope, and for rich rewards and grand achievements.

This vast extent of territory, an empire within itself, purchased and cemented together with the blood of our fathers, is spread out before us, and capable of being developed into the grandest commonwealth on the American continent. As an organized State it has been transmitted to us, with her glorious history to be preserved, developed and pressed on to that grand destiny that awaits her, when, as a still united whole, "one and inseparable," she must become greater, more grand and more glorious, until, in point of civilization, material wealth and political power, we shall behold her without an equal—the presiding queen of the American Union.

On motion of Senator Gooch, the joint session adjourned, and the Senate retired to its chamber.

#### IN SENATE.

Roll called. Quorum present.

Lieutenant-Governor Sayers, on retiring from the chair, introduced his successor, Honorable L. J. Storey, Lieutenant-Governor of the State, and in a few appropriate and eloquent remarks thanked the Senators, present and absent, for the uniform respect and courtesy shown him during the time he has presided over the Senate, and wished them all happiness and success in the future.

Lieutenant-Governor Storey, who had just taken the chair, vacated by his honorable predecessor, delivered the following address:

Gentlemen of the Senate, Officers and Employees:

In assuming the high and responsible duties of President of the Senate, I am deeply sensible of the delicate task I have to perform, and I earnestly crave the indulgence, the forbearance and the hearty co-operation of each and every member of the Senate, to aid me in the discharge of every duty. In the transaction of the business of the Senate, I will doubtless commit many errors; to correct them, when ascertained to be errors, will be to me no less a pleasure than a bounden duty. It shall be my earnest effort to conduct your business in strict accordance with the rules prescribed by this honorable body, so that harmony may prevail among us, and the best interests of Texas be subserved; and, if I can succeed as well as my honorable predecessor, I shall be satisfied.

Senator Homan, chairman of the Committee on Revision of Rules, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Revision of the Rules, to whom was referred

Senate resolution to amend rule 18 so that bills and resolutions accompanying reports of committees shall be read the first time, when such reports are submitted, have considered the same, and I am instructed to report recommending its passage.

HOMAN, Chairman.

Laid over under the rules.

Senator Shannon offered the following resolution:

*Resolved*, That there be added to the standing committees of the Senate a "Committee on Representation and Apportionment."

Referred to Committee on Rules.

On motion of Senator Buchanan of Wood, the Senate adjourned to 9:30 o'clock to-morrow morning.

#### EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, January 19, 1881. }

Senate met pursuant to adjournment; Lieutenant-Governor Storey in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

Senator Houston presented a petition signed by Wm. Steele, ex-Adjutant-General, setting forth that he is entitled to \$1201.67; as a balance due on his salary as Adjutant-General of the State of Texas during the last two years, four months and twenty-eight days, from September 1, 1876, to January 28, 1879, at \$3000 per annum, and asking that an appropriation for that purpose be made. Referred to Committee on Finance.

Senator Hightower, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 19, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 2, being a bill to amend chapter 116 of act of the Sixteenth Legislature, approved February 21, 1879, beg leave to report that they have considered the same, and said committee have adopted and instructed me to report the following as a substitute for said bill, and to recommend the passage of said substitute, which is as follows:

#### SUBSTITUTE.

"An act to repeal article 2234 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed the Sixteenth Legislature."

HIGHTOWER, for Judiciary Committee No. 1.

Read with substitute first time.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 17, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 9, "An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature," and find the same correctly enrolled and properly signed; and at 11 o'clock A. M. January 17, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 17, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill entitled "Concurrent resolution allowing room in capitol building for Western Union Telegraph office," and find the same correctly enrolled and properly signed; and at 11 o'clock A. M., January 17, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 17, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 8, "An act making an appropriation for the mileage and per diem pay of the members, and per diem pay of

the officers and employees of the Seventeenth Legislature," and find the same correctly enrolled and properly signed; and at 11 o'clock A. M., January 17, presented the same to the Governor for his signature.

COOPER, Chairman.

Senator Martin of Navarro, chairman of the Committee on Agricultural Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 18, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 34, entitled "An act amending article 4609, chapter 4, of the Revised Civil Code, approved February —, 1879," have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its passage.

MARTIN of Navarro, Chairman.

Senator Davenport offered the following resolution:

*Resolved*, That the postmaster of the Senate be allowed five dollars per day as compensation for his services during the session.

Adopted.

Senator Lane introduced a bill entitled "An act to adjust the State's indebtedness to the university fund, and make an appropriation therefor." Referred to Committee on Finance

Senator Duncan introduced the following bill: "An act to be entitled 'an act to regulate the practice of medicine, surgery and pharmacy, and to repeal chapter 3 of the Penal Code.'" Referred to Committee on Industry, Public Health, etc.

Senator Lane introduced a bill entitled "An act to adjust the indebtedness of the State to the permanent school fund and make an appropriation therefor." Referred to Committee on Finance.

Bill No. 11, to amend article 316 of the Penal Code of the State of Texas, read second time.

Moved by Senator Homan, that the minority report on the above bill be adopted. Minority report adopted on call of ayes and nays by the following vote:

YAYS—16.

Buchanan of Wood,	Houston,	Patton,
Burges,	Lair,	Shannon,
Davenport,	Lane,	Swain,
Harris,	Martin of Navarro,	Weathered,
Hightower,	Moore,	Wynne.
Homan,		

NAYS—0.

Burton,	Gooch,	Stubbs,
Cooper,	Henderson,	Terrell,
Duncan,	Rainey,	Tilson.

NOT VOTING—2.

Lightfoot, Martin of Cooke.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 19, 1881.

Hon. J. D. Sayers, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 23, to be entitled "An act to amend article 2206, chapter 4, title 38, of an act entitled an act to adopt and establish the Revised Civil Statutes of the State of Texas," passed by the Sixteenth Legislature of Texas," have carefully considered said bill, and I am instructed by said committee to report the bill back, and recommend its passage, with the following amendment: Amend section 4 by adding thereto the following proviso: "Provided, that in no case shall a defendant be precluded by reason of such affidavit from setting up and proving any payment, discount or set-off he may have to such action.

TERRELL, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 19, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 5, entitled, "An act to give orders of sale foreclosing liens upon real estate the force and effect of writs of restitution," have considered the same, and instruct me to report the accompanying

substitute, which enlarges the scope of the original bill, and applies its provisions in all cases where a judgment is rendered foreclosing a vendor's, mechanic's, or laborer's lien, or lien created by mortgage or deed of trust upon real estate. It will be seen that in all such cases it proposes that a writ of possession may be enforced against all persons occupying the property under purchase, descent or lease, after the date of the institution of the suit of foreclosure.

TERRELL, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 19, 1881.

Hon. L. J. Storey, President of the Senate:

A majority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 32, entitled "An act regulating the removal of the disabilities of minors," have instructed me, after considering the same, to report it back, with accompanying amendments, with the recommendation that as amended it do pass. The purpose of the amendments is to secure the aid of the father of the minor, if he be living, and if he be dead, then the co-operation of the county judge and of a special guardian appointed for the purpose, to represent the true interests of the minor, and to protect, if need be, both the minor and his estate, when the application to remove his disabilities should not be granted.

TERRELL, Chairman.

Amend by adding the following sections:

Section 4. In all proceedings under this act a copy of the petition shall be served upon the father of the minor if living within the State, and if he be dead, that fact shall be stated in the petition. If the father of the minor be not living, then a copy of the petition shall be served on the county judge of the county in which the proceeding is instituted; and in all such cases the court hearing the application shall appoint a special guardian, whose duty it shall be, in connection with the county judge, to represent before the court the true interests of the minor as they shall understand it, in aiding or resisting the application of the minor. An allowance shall be made by the district judge presiding to the special guardian, which shall be paid out of the estate of the minor.

Amend in the first line of the second page of the bill by striking out the word "minorage" and inserting the word "minority" in lieu thereof. Strike out "seventeen," in third line, and insert "nineteen" in lieu thereof.

On motion of Senator Homan, the resolution amending Senate rule No. 13 was taken up, read and adopted.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 19, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 3, entitled "An act to amend article 314 of the Penal Code.

STUBBS, Chairman.

As business on the President's table, Senate bill No. 15, entitled "An act to encourage the construction of artesian wells," was laid before the Senate and read second time.

Senator Martin of Navarro offered the following amendment:

Strike out "provided," in lines 5 and 6, in section 2. Lost.

Senator Duncan offered the following amendment:

Add to section 2:

*Provided further*, That no such aid shall be granted until a constant flow of water is secured.

Pending the consideration of this amendment, on motion of Senator Homan, the bill was postponed until to-morrow morning, and made the special order immediately after the the morning call.

Senator Gooch offered the following resolution:

WHEREAS, Hon. Jos. D. Sayers, the retiring Lieutenant-Governor of the State of Texas, has made a faithful, efficient and impartial presiding officer and public servant; and has, in his relations, both public and private, exhibited those qualities of mind and heart which challenge the respect and admiration of his associates, and endeared him to all; and

WHEREAS, We desire to make public expression of these, our views and feelings, in an appropriate manner; therefore be it

*Resolved by the Senate of the State of Texas*, That Hon. Jos. D. Sayers, retiring Lieutenant-Governor of the State of Texas, has made a faithful, efficient and impartial officer, and that he carries

with him, in his retirement, our high appreciation of his exalted ability and worth, as a man and officer, and our best wishes for his future prosperity, happiness and continued usefulness.

On the call of the ayes and nays, the resolution was unanimously adopted.

Senator Henderson offered the following resolution:

*Resolved*, That the Senate authorize the printing of 7000 copies each of the Governor's and Lieutenant-Governor's inaugural addresses—5000 in the English, 1000 in the German and 1000 in the Spanish language.

Adopted.

Senate joint resolution No. 11, proposing to amend section 13, article 8, of the Constitution, was then taken up and read second time.

Senator Duncan offered the following amendment: Amend by striking out "and married women." Adopted by the following vote:

YEAS—15.

Buchanan of Wood,	Lair,	Rainey,
Burges,	Lane,	Stubbs,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Martin of Navarro,	Tilson,
Homan,	Patton,	Weatherred.

NAYS—11.

Burton,	Henderson,	Shannon,
Cooper,	Hightower,	Swain,
Davenport,	Lightfoot,	Wynne.
Harris,	Moore,	

NOT VOTING.

Houston.

The Senate then refused to engross the joint resolution by the following vote:

YEAS.

Terrell.

NAYS—26.

Buchanan of Wood,	Hightower,	Patton,
Burges,	Homan,	Rainey,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Duncan,	Lightfoot,	Tilson,
Gooch,	Martin of Cooke,	Weatherred,
Harris,	Martin of Navarro,	Wynne.
Henderson,	Moore,	

Senator Martin of Cooke rose to a question of privilege, called the attention of the Senate to an article in the Statesman this morning headed "To the uninitiated," and explained the action of the Committee on Printing in awarding the contract for printing the Senate journal, and defended its action.

Moved by Senator Martin of Navarro, that Senator Ross be excused indefinitely on account of sickness in his family. Adopted.

On motion of Senator Buchanan of Wood, Senator Buchanan of Grimes was excused on account of sickness.

Resolution requiring all bills and joint resolutions proposing to amend the Constitution or Code to be printed when introduced, with adverse report of committee, was taken up, report adopted and resolution lost.

On motion of Senator Rainey, the Senate adjourned till to-morrow morning at 10 o'clock.